



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. McTIGUE
DIRECTOR

June 24, 1994
A0-94-17

Mr. James D. Taylor
Hope Farms Drive, P.O. Box 2
Feeding Hills, MA 01030-0002

Re: Political Fundraising in Public Buildings

Dear Mr. Taylor:

This letter is in response to your recent request for an advisory opinion.

You have asked whether the campaign finance law, specifically, M.G.L. c. 55, s. 14, would permit your political committee's use of the Agawam Country Club for a political fundraising event.

You have stated that the Town of Agawam recently purchased the Agawam Country Club, and the club is now wholly owned and operated by the town. The first floor of the club contains a club house that houses a snack bar with a liquor license, pro shop, storage, restrooms, and the course manager's office. The second floor has a small kitchen and banquet facility with a capacity of about seventy-five persons. An interior stairway connects the floors.

You have also stated that the course manager, greens keeper, laborers, and clubhouse attendants are town employees appointed by the mayor. A five member golf course commission is also appointed by the mayor and confirmed by the town council. The town plans to rent out the second floor banquet facilities to persons desiring to hold private events.

You have asked if M.G.L. c. 55, the campaign finance law, prohibits solicitation of campaign funds if a candidate wished to hold a fundraising event and rented space in the clubhouse.¹

A fundraising event at the club would appear to violate section 14 of M.G.L. c. 55 which states, in pertinent part, that "[n]o person shall in any building or part thereof occupied for state, county or municipal purposes demand,

¹. Although you have also asked if there are any other laws that would apply to this situation, I can only provide guidance within the context of c. 55.

solicit or receive any payment or gift of money or other thing of value for the purposes set forth in section thirteen²." (Emphasis added).

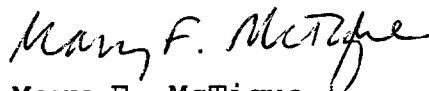
The underlying purpose of chapter 55 is the assurance of "fairness of elections and the appearance of fairness in the electoral process." Anderson v. City of Boston, 376 Mass. 178, 193 (1978). The statute seeks to accomplish this goal by strictly excluding the commonwealth and its political subdivisions from involvement in the political process. Section 14 is one of a series of restrictions in chapter 55 which "demonstrate a general legislative intent to keep political fund raising and disbursing out of the hands of nonelective public employees and out of city and town halls." Id., at 186-187. More particularly, section 14 was designed to protect all persons working in, or visiting, buildings or parts thereof occupied for state, county, or municipal purposes from being subjected to the pressures of political solicitation.

The club is "occupied for state, county or municipal purposes." It contains an office for use by the course manager; and the various employees of the club are employed by the town. The club provides a public service, similar to the service provided, for example, by a public library. As with a public library, section 14 would prohibit political fundraising since the contemplated political fundraising activities could not be insulated from the public's use of the club.³

It is the opinion of this office, therefore, that the Agawam Country Club may not be used for political fundraising purposes without violating the provisions of M.G.L. c. 55, s. 14.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,



Mary F. McTigue
Director

MFM/cp

2. Section 13 prohibits political solicitation by persons employed by the commonwealth and its subdivisions "for political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever."

3. In other contexts, this office has advised persons that certain buildings or parts thereof are not "occupied for state, county or municipal purposes." See AO-89-07 (since convention facilities were specifically and primarily designed to be rented to private parties, facilities were not occupied for state, county or municipal purposes) and AO-94-04 (Melrose Memorial Hall, even though owned by the city, was not occupied for state, county or municipal purposes, since no government offices were in the building and the building was used only for rental purposes).